

SEP-15-2006 14:09

MORGAN, LEWIS & BOCKIUS

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SEP 15 2006

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Signature: Lekha Gopal Krishnan
(Lekha Gopal Krishnan)

Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 1600

PATENT
Attorney Docket No. 064422-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ying MA, *et al.*)
Application No.: 10/079,443)
Filed: February 19, 2002)
For: MESOPOROUS COMPOSITIONS)
FOR USE IN DRUG DELIVERY)

) Confirmation No.: 9165

) Art Unit: 1616

) Examiner: Edward J. Webman

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 15, 2006, finally rejecting the pending claims.

09/18/2006 TL0111 00000094 500310 10079443
01 FC:2253 510.00 DA
02 FC:2401 250.00 DA

1-DA/2030365.1

PAGE 2/4 * RCVD AT 9/15/2006 2:58:53 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/2 * DNIS:2738300 * CSID:214 466 4001 * DURATION (mm:ss):01:36

ATTORNEY DOCKET NO.: 064422-5002

Application No.: 10/079,443

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1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

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- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Please charge Deposit Account No. 50-0310 in the amount of \$510.00 for the three months extension fee.

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 41.20(b)(1)

- The Commissioner is authorized to charge the appeal fee of \$250.00 to Deposit Account No. 50-0310.

3. Fee Payment

- The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$760.00 for the Notice of Appeal fee and Three Month Extension of Time Fees.

ATTORNEY DOCKET NO.: 064422-5002

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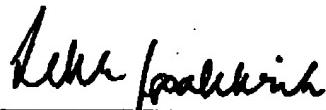
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4. Constructive Petition

- Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



By:

Lekha Gopalakrishnan
Registration No. 46,733Dated: September 15, 2006

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FAX #: **214.466.4001** Date Sent **September 15, 2006** Number of Pages: **4**
(including cover page)

COMMENTS

Response Under 37 CFR § 1.116- Expedited Procedure- Examining Group 1600

Application No. 10/079,443

Notice of Appeal Attached

FAX MESSAGE

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